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THE LATE ^R
King JAMES's Letter
TO HIS
Privy-Counsellors.

With Just Reflections upon it, and upon
the pretended

PRINCE of WALES.

AND, A

Short Account of the Judgment of the
PARLIAMENT, 1 E. 4. in Confutation of
the Author of [The CASE of ALLEGIANCE
to a KING in Possession:] With the Reason why
the Sham Birth has not been publicly expos'd.

L O N D O N :

Printed, for *Ric. Chiswell* at the *Rose and Crown*, in
St. Paul's Church-yard, MDCXCII.

THE LATE
King JAMES I. letter

TO HIS

Privy Council.

With Just Reflections upon it, and upon
the Proceedings

PRINCE of WALES.

AND A

short Account of the Judgment of the
ARLWORTH in Consequence of
the Advice of the COUNCIL of STATE
in the KING'S CASE, and of the
and short History of the Proceedings.

LONDON:

Printed for J. W. Smith at the Red and Crown, in
St. Paul's Church-yard, MDCCLXII.

(1)

THE LATE
King JAMES's Letter
TO HIS
Privy-Counsellors.

With just Reflections upon it, and upon
the pretended PRINCE of
WALES, &c.

James R.— **H**OW much soever the late King
may flatter himself with an
empty name, if he had con-
sulted his *Trusty Counsellors*, the *Jesuits*, or the Laws
of that Kingdom which he might have govern'd
happily to this day, if he had pleased; he would
have found no reason to continue this Stile.

For the Judgment of his best lov'd *Counsellors*,
I shall refer him to twomen of undoubted
Credit with that Society, (a) *Lessus*, and
Becanus; who both hold, that when a
Prince is *deposed*, he *ceases* to be a *Prince*,
and becomes a private Person.

(a) *Cessus de jure et*
justitia p. 79. *Tum*
definit esse Princeps,
&c. And *Falkner's*
Christian Loyalty p.
343, 344, citing them,
both agreeing almost
in the same words.

The Authority for this they both place in the
Estates of every Kingdom, and hold it justifiable
to *depose* a *Prince* for *Tyranny* in the Administration;

when he designs in his Government, and aims at his private Advantage, and not the publick good, &c.

But unless it was for the publick Good of this Nation, to bring it into subjection to the See of Rome, and for that end, to exercise an Arbitrary Power in dispensing with the Laws of the Kingdom, it must be granted, that the late King was far from aiming at the publick good.

For the Laws of England; I shall not here have recourse to those numerous Presidents, which may be produced as Evidences of the Law in this matter; but shall content my self, and, as I believe, the impartial Reader, with an (b) *Act of Parliament*, which a Popish Parliament, 12^o R. 2. refer to, as known and upon Record, and (c) but very lately before that time put in practice.

b Knighton
Col. 2683.
12 R. 2.
c Meaning
the Case
of R. 2.

Whereby, if the King, through a foolish obstinacy, contempt of his People, or perverse froward will, or any other irregular way, shall alienate himself from his People, and will not be govern'd and regulated by the Rights of the Kingdom, and laudable Ordinances, made by the Counsel of the Lords and Great men of the Realm; but shall headily in his mad Councils exercise his own Arbitrary will; from thenceforth it is lawful for them, with the common Assent and Consent of the People of the Realm, to abrogate, or depose him from the Throne, and set up in his stead *propinquiorem aliquem* *destirpe Regis*, somebody of kin, or near of kin to the King, of the Royal Stock. It is not *proximum* the next upon the Line; and then the *aliquem* gives

gives a Latitude for choosing any deserving Person of the Stock Royal.

I know it will be said, that this Law is no *Obj. 1.* where to be found, but in an Historian of the time.

That the Parliament urged such a Statute, and that it was a known Law, at the time when it was referred to, no man can doubt; tho' indeed it is highly probable that *R. 2.* having assumed a very Arbitrary Power after this Admonition, caused this Statute, which stared him so full in the Face, to be taken off the File. Certain it is, that when at the end of his-Reign the Parliament were enabled to call him to account, among other Grounds for his deposal they say, He *had caused the* *Knighton* *Rolls and Records concerning the State and Govern-* *Col. 2752.* *ment of his Kingdom to be destroyed and razed, to the great prejudice of the People, and disservice of the Crown of the said Kingdom, and this, as is credibly believed, in favour and support of his Evil Government.*

Farther yet, tho' that Statute is not now to be found in words, yet the late King's Coronation Oath might have advertised him of its being in force, as to the substance of it, to this very day. *Answ. 2.*

According to the ancient Formulary he either swore or ought to have sworn, To Grant, Keep, and Confirm the Laws, Customs, and Freedoms granted the Clergy and People by the most holy and glorious King Edward.

Vid. Rot. claus. 1. E. 3. & mag. cart. ed. cum privilegio An. 1358. Furamentum Regis quando coronatur.

This

This was *Edward the Confessor*, of immortal Memory for his collecting and strict observing the Laws of the Kingdom, as well as for the admired Sanctity of his Life.

Whereas the Statute referred to 12^o R. 2. makes one of the Conditions upon which the Sovereignty depended to be, that their Kings should observe the *Ordinances made by the Counsel of the Lords and Great men of the Realm* (the difference between which and Acts of Parliament is obvious) in that Body of the *Confessor's* Laws transmitted down to us with unquestioned certainty, it is written *Rex debet omnia rite facere in Regno suo & de consilio Procerum suorum*, 'The King ought to do all things in 'his Kingdom according to Law, and by the Judgment of his Peers. St. Edward's Law goes farther, and is express, that unless the King perform his duty, and answer the end for which he was constituted *Nec nomen Regis in eo constabit*, not so much as the name of King shall remain in him.

*Vid. Leges
Regis Ed.
c. 17. de
Regis
officio
Lambart
Archato-
nom. Ha-
veden f.
604, &c.*

To proceed to the Letter it self.

Right Trusty and well-beloved Cousin and Counsellor we greet you well. Whereas Our Royal Predecessors used to call such of their Privy Counsel as could conveniently be had, to be present at the

One would think that this was pen'd by some French Secretary, the English is so bald and improper, as where the Letter mentions the calling such of the Privy Counsel as could be had: And whereas that we have followed, &c. however no example can be shewn
Labour

*Labour of their Queens, and witnesses of the Births of their Children, * and that We have followed their example at the Birth of Our dearest Son James Prince of Wales.*

of any one of his Predecessors, who pretended to have a *Privy-Counsel* after he had ceased to be King; or, at least, that thought it to any purpose to have witnesses of the Births of their

*Whereas,
 &c. and
 that, i. e.
 whereas
 that

Children, when themselves had no Inheritances to leave them.

But as to the Insinuation concerning the pretended *Prince of Wales*; his birth would have been less suspected, if all the Witnesses, who swore materially, were not to be thought Parties; if the *Bishops* had not been sent to the *Tower*, as it were on purpose to remove the necessity of sending for the then *Archbishop of Canterbury*, who had not at that time resign'd himself up to the *French* interest; if there had been credible proof of the late *Queen's* having been with Child, before she was brought to Bed; and she had not been passed the Years, at which it was usual for *Italian Women* to bear Children.

And yet if we could believe that she was really brought to Bed of a Son, and that the Son is yet living (the proof of which we must fetch out of an Enemy's Country) how could that in the least affect the Right of *their present Majesties*, who have been declared *King and Queen by the Authority of the States*, and that according to the express Letter of the Statute cited 12° R. 2. which shews that the
States,

States, upon the *Abrogation* or *Abdication* of a *King*, are under no obligation of submitting to the next in the *Line*; nor can a *Prince* who has departed from his *Title*, voluntarily, or by legal implication, leave any right to descend from him.

Vid. Cam-
dens Eliz.

Indeed when *Mary Queen of Scots* was adjudged to lose all her right of *Succession* to the *King-*
dom of England, for her attempts against *Queen Elizabeth*, all the *Judges of England* being consulted, whether this would not cut off the interest of her Son, declared it would not: But it is to be considered.

Ans. 1.

1. That the Opinion of the *Judges* in that case could not alter the *Law*.

2.

2. That it was very likely, that they would favour *King James*, who at that time had a great Reputation and Interest in *England*, as much as they could with any appearance of reason; and there seems some colour for it, from the penning of that Statute, which was made in the view of the pretences of the *Queen of Scots*, and her known conspiracies, for which she was tryed.

Stat. 27.
Eliz. c. 1.

The Statute makes a plain distinction between a bare design, and a design which should take effect. In the first case they exclude and disable the immediate Pretenders if guilty within that Act.

In the second they exclude and disable the Persons pretending Title after the *Queen*, and their Issue, if consenting or privy. Where the first
13 *EL. c. 1.* Branch seems capable of an explanation by the 13th. of the *Queen* which in like case disables persons during their natural lives only, as if such person were naturally dead.

In

In which Act there is plain provision, that the Issue shall not be prejudiced, but shall be in the same condition as if the Parent had died before the offence committed: and tho' the same might be thought to be intended by the Stat. 27^o. yet, it not being expressed, the *Lords*, with great reason, made a question of it: for if this had been the Intention of the *Parliament* 27^o. one would have thought they would have followed so plain a President so lately set, in words which would admit of no dispute. And it appears very plainly to have been the Judgment of the *Parliament* 13 *Elix.* that the disabling the Party would by operation of Law have disabled the Issue, unless they had particularly provided against it. Certain it is, that the *States* of the Realm having (a) deposed *E. 2.* he accounted it (b) a special favour that they would choose his Son to succeed him.

(a.) *Walsingham* f. 107.
Rex dignitate regali abdicatur & filius substituitur.
(b.) *Vid.* Knighton ad finem regni *E. 2.*

However, that precaution was not enough to hinder *Us* from the malicious Aspersions of such as were resolved to deprive *Us* of Our Royal Right

Here is a smack of the French scribe again: who else could have thought it an hindrance to have been kept from Aspersions? or would any Jacobite, who understands our

language, use words, which admit that the late King stands deprived of his Royal Right,

B

But

But what ever is here suggested, is undoubtedly owing to the just causes of suspicion, which the necessity of the matter or their own ill management occasioned ; so that it must be imputed to their own fraud or folly : Most, even of them who stand up for a supposed Right in *King James*, look upon the *Prince of Wales* as supposititious, and will acquit those from malice in this particular, whom yet they stick not to charge with Rebellion.

That We may not be wanting to Our self, now it hath pleased Almighty God, the Supporter of Truth, to give us hopes of further Issue, Our dear Consort the Queen being big, and drawing near her time ; We have thought fit to require such of Our Privy-Counsel as can come, to attend us here at St. Germans, to be witnesses to our said Consort the Queen's labour. We do therefore hereby signify this our Royal Pleasure to you ; that you may use all possible means to come with what convenient

In this and the former Paragraph such stress is laid upon the birth of Children by the late *Queen*, as if the disbelief of the former pretence were the sole occasion of the *Abdication*, and nothing of *Misgovernment*, and breach of the *Original contract*, were in the Case. The Witnesses required at the second Scene, are *Privy-Counsellors* to the late *King*, but whether meant of them who had been of the *Privy-Council*, while he administered the Govern-
ment

*last you can ; the Queen
looking about the middle
of May next.*

ment, or such as act by
Commission from him,
to Plot against the *pre-
sent Government*, does
not appear.

Their Plot, which was within these few days
the boast and merit of their Party, must
now be denied with as great confidence ;
but if there had wanted other proof, the
timing the *appointment* of the *Birth* of another
Prince, the avowed expectation which they
had just at this time, the coming of the
French Fleet, the Preparation for a Landing
here, and the readiness many expressed to
receive them, sufficiently speak their detestable
design : but that *Glorious Victory of our Fleet*,
which has dashed their Hopes, and broken
their Measures, will undoubtedly cause an
abortion of the *intended Birth*, or an adjourn-
ment to some Month more favourable to them
then *May*, which is expired, and yet we hear
of no *Young Prince* born : but both the *late
Queen*, and the *French Partisans*, must confess
themselves out in their Reckoning : and *Al-
mighty God*, who, as the Letter observes, is
the *Supporter of Truth*, is the *Exposer of Impositions*.

*And that you may
have no scruple on Our
side, Our Dear Bro-
ther the most Christi-
an King has given his*

That the nominal
most Christian King has
passed his word, must
be taken upon the
word of the *late King* ;

Royal word and promise to you as We hereby do, that you shall have leave to come, and, the Queen's Labour being over, to return with all safety.

to which much credit cannot be given by any, who considers how well he maintained his Coronation Oath, and the Promises which he made in favour of the Church of England: And

what regard the French King has to Oaths, and the most Religious Promises, is notorious to the whole Christian World; and by this time his truest Friends, the Turks, repent of their having trusted him.

Besides, the promise here is very fallacious; for it is, that they shall have leave to return [*the Queen's Labour being over*] but if she be with Child of a Cushion, her Labour will never be over; and they shall be detained there till they abjure their Religion.

The iniquity, of the Times, the Tyranny of Strangers, and misled Party of Our own Subjects, brought Us under the necessity of using this unusual way,

lenity of *Their Majesties Reign* beyond their deserts, or hopes, as the most moderate of them will confess.

The Papists indeed, have reason to complain of the *Times*, which are very improper to them: but even they cannot complain of *Tyranny*, having had experience of the

Tyranny

Tyranny, in the most common acceptation of the Word, is applied to *Tyranny* in the Exercise, and the present Administration is in that respect a rescue from *Tyranny*: nor can their present Majesties be accounted *Strangers* or *Tyrants* in Title, who had a true *Legal qualification* for succeeding to the vacant Throne, and have been settled in it according to the *Constitution* of this Government; as all, who know any thing of it must acknowledge: and they only are the *missed Party*, who believe the contrary. That necessity, which the Letter complains of, came from other causes than are there mentioned, and such causes, as are inseparable from that Superstition, the obstinate adhering to which has had such a fate, as the Counsels of the *Jesuits* have merited and extorted.

Yet We hope it will convince the World of the Truth and Candour of Our Proceedings, to the Consultation of Our Enemies.

The English World would be very easie of belief if they should be convinced by what might be deposed by them, who should be so foolish, or such Traitors to their Country, as to go to France upon this occasion.

But should they be to be believed, and swear home to the birth of a Prince at this time; that would not remove all the Objections which have been generally received against the former: Nor, considering the great alteration
in

in Constitutions, which the difference of Climates may make, would the late *Queen's* having a Child in *France*, be a convincing Evidence, that she might have had one in *England*, in that state of Health, and Constitution, which she was in here.

We not doubting of your compliance herewith, bid you heartily farwell.

He must needs have had great proofs of their obsequiousness, who (if he can think they were *Protestants*)

would venture into *France* upon his parole, or the *French King's*: yet it is not to be questioned but many had given him mighty Assurances of their being resolved to venture all things for his service; who yet would venture no farther then in Words, and Oaths, of which they certainly have been liberal to both sides.

Given at Our Court at the Castle of *St. Germans*, the 2^d. of *April*, Stilo N. 1692. and in the 8th. Year of Our Reign.

A Castle seems no improper place for his Court, who is, in effect, but the *French King's Prisoner*: but what he sends to *England*, while he is in the power of the Nations inveterate Enemies, is not likely to prevail with any true *Englishman*.

—Metuunt Danaos vel dona ferentes.

How he comes to reckon this the 8th. Year of his Reign, I cannot tell; I am sure there

is

is no president for it in the *English Annals*, which will come up to his case. His Brother, I must own, dated his *Reign* from the death of his Father, and supposed it to have continued during all the times of *Usurpation*; but he had not been *formally set aside* by a *regular Convention of the States*, nor had any one been *chosen, or declared King* in his stead.

Indeed, *E. 4.* was accounted King all the while from his first assuming the *Royal Dignity* to his death; tho' *H. 6.* was in possession for a short interval: Yet it is evident that whatever *E. 4ths.* right was, *his own Parliament* did not account him King by reason of any right, which he had without an *Election* of the *States*, upon *H. 6ths.* incapacity to reign, and breach of the *Contract* settled in Parliament, between *H. 6.* and the Father and Son, *Richard Duke of York*, and *E. 4.*

*Vid. Rot.
Parl. 1 E. 4.*

And the short possession of *H. 6.* after a *Redemption* of power, was accounted a *Nullity*, because of his inability to reign, joyned with the consideration of that sudden and transient force which the *States* were under, and from which they as suddenly freed themselves.

But as *Richard Duke of York*, was never accounted King, being never submitted to by the *States*, *E. 4.* was not accounted King, till submitted to: So that the Government was always held to go along with
their

their submission, while it was to a Person capable, and they might be thought to have acted with any manner of Freedom, and full purpose of settling it.

Rot. Parl.
1 E. 4.
Hollingshead
f. 661, 662,
663. Stow.
f. 414.

Case of Alleg.
p. 11.

For proof of this, I refer my self to the Circumstances in Story, and the Records of *Parliament* of that very time from whence the *Divine right-men* fetch their Notion of *King of Right*, and *King in Fact*; at which time he who was upon success, adjudged to be the *King of Right*, was not adjudged to have *reigned* till the 4th. day of *March*, on which day he was put into possession by the *Consent* and *Choice* of the *States* of the Kingdom: And tho' the *King in fact* was held to have been unable to govern, and to have broken the *Contract*, before that 4th. of *March*, yet he was accounted to have reign'd till then. And whereas the Author of *The Case of Allegiance to a King in possession* (who argues unanswerably upon the Fact yeilded to him by some without any ground) affirms 'That *H. 6.* 'was attainted of High-Treason against ' *Richard Duke of York*, who was not King, 'but only declared Heir to the Crown. Which would argue that the Parliament which attainted *H. 6.* looked upon *Richard* as the *King regnant*, notwithstanding the possession of *H. 6.* the Fact is quite otherwise; for no act against *Richard* was accounted Treason, nor even against *E. 4.* till the Parliament had

had declared him to be in possession, upon the submission of the *States*; and this, though *H. 6.* had *Abdicated* before the day by which they adjudged the possession to *E. 4.* Nor is it material to say, that several Treasons were Assign'd, which were Committeed before King Edward's Coronation, unless they had been before the 4th. of March, when the States gave him Possession. But any man that reads the Parliament Roll it self, without trusting to Abridgments, will find, that *E. 4.* was not accounted to have began his Reign before the 4th. of March; and as in reason, there can be no Treason against any Person before he is King of this Kingdom, neither was any Act against *E. 4.* before the 4th. of March, on which day he began his Reign, to be Treason even by his own Parliament.

Case of Alleg. p 11. All which Treasons were Committed before King Edward's Coronation, and so before he was King in full Possession.

This may satisfie all unbiassed Persons, that unless *James* the 2^d. should be re-admitted, (which perhaps might argue that the *States* retained a purpose to return to his Obedience;) his Reign must now, and will in all after ages be held in Judgment of Law to have determined, if not at the time when

the *States* adjudged the *Vacancy* to have began, or at least when Their *present Majesties* were first Declared *King* and *Queen*, and that before their taking their *Coronation-Oath*; as long as they not only refused not to take it, but expressed Their acceptance of the Government, according to the Constitution, by which it is always presumed, till the contrary appears, That every *Prince* who assumes the *Royal Dignity*, will take the *Coronation-Oath* at some convenient time of his own appointment, or their choice.

Vid. inter decem Scriptores Gervacium Dorobern. & Bromton in vita R. Steph.

But tho *Maud* the *Empress* had been Declared *Queen* upon Success against *King Stephen*, yet she refusing to maintain the *Confessor's Laws*, the promise of which is an Essential part of the *Coronation-Oath*, was rejected almost as soon as received; and by an hasty flight, gave an early example of the *late Abdication*.

Though she was the *Grand-child* of one, whom some now will make a *Conqueror*, freed from any Obligations of observing the old *Saxon Laws*, yet there was never any pretence set up for her ever after; much less was she thought to have

have continued her *Reign*; and tho many declared for her Son *H. 2.* in her lifetime, yet he found it convenient to accept of a settlement of the Crown, in remainder after the Death of *King Stephen*,

as his *Adopted Son*; the Charter of which *Adoption* is to be seen in the Historian *Brompton*.

See the Charter of the Adoption of H. 2. Bront. col. 1037.

But the late King, by breeding the pretended Prince of Wales in France, has cut off all reasonable expectations of having him ever to be *Adopted Heir* of this Kingdom.

Ego Stephanus Henricum Ducem Normanniæ, post me Successionem Regni Angliæ, & Heredem meum jure Hereditatio constitui, &c.

I know some men, whose Crimes in former Reigns, and profess'd enmity to the Liberties of *England*, had engaged them in a Party, which opposed the Accession of Their present Majesties to the Imperial Throne of this Realm, after they had invited His Majesties Arms, and importun'd him to take upon him the Administration; raise a great Clamour upon the silence of *Parliaments*, in relation to the Putative Prince of Wales; as if it were a tacit Admission that he was *real*. But, certainly, in this the *Parliaments* chose to shew, that the Government is settled upon such a bottom, as makes it not in the least material, whether *Prince*,

Vid Rot.

Parl. 1. H. 4.

or no *Prince*; well knowing that the *Convention*, which afterwards became a Parliament, upon acting under a legal head, (as did the Parliament, which after being turned a *Convention* by the Deposal of R. 2. acted with H. 4.) exercised a Power which was vested in them by the Constitution of this Monarchy; and followed the wise examples of H. 8. and of *Queen Elizabeth* of Glorious memory. H. 8. though he had Bastardiz'd both his Daughters, *Mary*, and *Elizabeth*, yet settled the Crown upon them both successively, in remainder after his Son *Edward*; without taking off the Illegitimation of either Daughter: Whereby he certainly placed the right of their Successions upon a surer foundation, from the Authority of the *King* and *States* to dispose of the Crown, than if he had declared either of the Sisters to be Legitimate. Nor indeed would he have done this without shewing at the same time that one was Illegitimate; the question being, whether the Mother of *Mary*, or the Mother of *Elizabeth*, was the true and lawful Wife.

And though *Queen Elizabeth* had full opportunity and Power to cause the Act which Bastardiz'd her to be repeal'd; especially after the Protestant Religion was

was *thoroughly settled*, and that *Party* crush'd who held the *Pope's* Authority, to make good the Marriage of *H. 8.* with his Brother's Wife, carnally known by him; yet she wisely contented her self with a Title derived from that *Constitution* of the *Monarchy*, by virtue of which the Crown had been settled, rather than to fetch one from Heaven by a *Divine* Right of Birth.

That the ignorant followers of *blind Guides*, may know what was the judgement of the times of *H. 8.* and *Queen Elizabeth*, to go no higher, of the *Divine* Right of Succession, I desire them to read the Acts of Parliament, 28, and 35. ^{28. H. 8. c. 7.} *H. 8.* which declare, That if *such Heirs*, ^{35. H. 8.} as are there appointed, without regard to the *Scotch* Family, *should fail*, and no provision made in the *King's* life time, who should Rule and Govern this Realm, then the Realm should be destitute of a lawful Governour. And the Journals 8, and 9. of the *Queen*, with the Act of Parliament, 13. C. 1.

The *House* of *Lords* in their Ad. Journals of dress, 8, and 9. *Elizabeth*, desire that *Q. Eliz.* f. 105, 106, 107. a Successor might be appointed in *Parlia-*
lia-

liament, lest God should call the Queen without certainty of Succession; and for that the not performing what they desired, would leave the Realm without Government. And that memorable Act

13. Eliz. c. 1.

13. Elizabeth, makes it highly Penal, in any after time, to deny the Power of the Parliament, to limit or alter the Succession; and adds a Penalty upon them, who should affirm that any but the Issue of the Queen's body had Right to succeed after her.

But we shall never be quiet from vain disputes against the Right of the present Government, till it makes examples of Offenders, within the perpetual branch of this wise and equitable Law.

Let any man seriously consider the controverſie between them who hold the Late King still to Reign, and those who assert that *Their present Majesties* are our only Sovereign Lord and Lady, and they will find that the *Jacobites* have not one true Principle upon which they can fix; and all the advantage which they have, is by the concessions of those who would pretend to defend

send this Establishment, upon the same Principles which carried them to the most servile compliances in the Reign of *Charles* the Second, and part of the Reign of *James* the Second; till according to the Scripture-observation, *in adversity they considered*, and found that to be the consequence of their Doctrines, which they would never believe; and then started back from it with horror: But alas! Nature is too apt to return.

Some having taught, That a *Sovereign Prince*, while he lives, must retain the *Sovereignty as inseparable from his Person*, till he has expressly and formally renounced it, admit the Right of the *Late King* to continue, notwithstanding the Possession of Their Majesties, with the full and regular Consent of the *States of the Kingdom*; and though the Kingdom has, by the Providence of God, been given them in such a manner as has been held to make a *Legal Settlement*, if not from the earliest times, at least by the *Stat. 11. of H. 7.* and they very indiscreetly yield, that the Statute supposes some other to have right besides the *King and Sovereign Lord for the time being*; which is absurd

absurd in it self, and against the manifest intent of the Statute. Nor can any reasonable man think, that this was the Judgment of *H. 7th's*. Parliament, *11. H. 7.* when the Parliament in the first of his Reign, had not only *Ordained, Establisbed, and Declared*, That the Inheritances of the Crowns of the Realm of *England* and *France*, be, stand, and remain in *H. 7.* and in the Heirs of his Body for ever, and in *no other Persons*.: But by another Act, Reversed the Attainder of *H. 6.* of the Younger House, for acting against *E. 4.* of the Elder, even after *E. 4.* had been received and submitted to by the *States*; which Attainder of *H. 6.* the statute declares to be contrary to *due Allegiance and due Order*, plainly supposing that while he had the Possession, he was the only King and Sovereign Lord.

1 H. 7. n. 16.
Restitutio H.
6.

Though I am tempted to enter into a large field of the Judgment of the most ancient times, I purposely forbear, and shall only observe and remove another *Objection*, or rather *Prejudice*, from the repeated Doctrine of the Church of *England*.

As

As I take it nothing ought to be received for the Doctrine of the Church which is not to be found in its *Articles*, or *Homilies*; or at least Canons duly made and received, but they as well require *Active Obedience to Lawful Governors, as Passive*; and yet none but Papists will say, That we were bound actually to assist *King James* to Subdue his Protestant Subjects, or that only Power, which, without a Miracle, could Support them in the Profession of their Religion; or, as a late Writer has it, *cover their Heads while they treated.*

And whatever the Articles, Homilies, or received Canons of the Church argue to be the Duty of Subjects; to whom Subjection is due, in no Point explained by them, it being supposed that the Laws of the Land, and they whom the Constitution intrusts with declaring the Law, should determine that Question.

And, besides, some think they have the Canons of a Convocation in *King James* the First's time (as there certainly was the Approbation of the Clergy in Queen *Elizabeth's*, of her Interposition in other Kingdoms) to balance whatever may be drawn from the Publick Acts of the Church of *England*, to the Prejudice of this present Government,

*Bishop Overal's
Convocation-
Book.*

vernment, or of those means by which it was established.

Vide Sup.

But the Dispute of *King of Right*, and *King in Fact*, is taken from Popish times: And, since the *Reformation* has left us a clear Stage; and the Judgment of the Parliament, 1 E. IV. on which they who argue for King *James* his Right chiefly rely, is on our side, we need not fear the forces of all Antiquity; especially when we consider that the Clergy of old Times, who were our Historians, Judges, and Chief Lawyers, and the Penmen of the Publick Transactions, had that Dependency on the *Pope* which made them stand indifferent between *Prince* and People.

*The Vindicator
of the pretend-
ed Royal
Martyr.*

I must confess, it has been to me a Mystery, how the *Non-Swearers* came to charge all, who are not of their *Schism*, with *Apostacy* from the Church of *England*, till one of their *Champions* has been so weak, as to quit the Advantage of Clamour upon a general Charge, by shewing how they proceed to prove it. One, against whom he writes, having pressed to know from what *Article* or *Homily* of our Church, Allegiance to the late *King* can be enforced. "Sure, says the *Champion*, he cannot forget that God's "written Word, and that only, is our entire "and adequate Rule of Faith: And the best
"Inter-

“Interpreter of it for us to follow, is the
 “*most unanimous Exposition* of it, avowed
 “*by the Doctrine of our Church-men*, and
 “the agreeable and constant Practice of the
 “*Church*.

Now, what is this but the *Popish Doctrine* of *Tradition*, stript naked and disrob'd of all its Raggs of seeming Authority? If it takes in the unanimous Exposition of *Church-men*, and the *Practice of the Church* in all Ages, he must pray in Aid of the *Church of Rome*: And, unless this Writer is a Papist (as it is to be presumed that they who charge the Body of our Clergy, and others, with *Apostacy* are) why shall his Rule of Faith hold in relation to Government, and not in all other things? And how could a Reformation be duly made, contrary to this Rule?

If he urges this as a *Protestant*, he goes a step beyond the *Papists*; who, as I take it, rely not on *Tradition*, but as they suppose it an Evidence of what has been the *Doctrine* of the Church in all Ages; but place no Authority to judge of the *Tradition* in any under a *Pope*; or rather, according to most of them, a *Council*, solemnly assembled after Invocation of the Holy Ghost; but here the diffusive Body of *Church-men* must be Divinely inspired: Yet what ever they may pretend,

pretend, the Holy Spirit may as truly be said to come in a Cloke-bag from *France*, as formerly from *Rome* to *Trent*: But Doctrines, it seems, are to be thought true or false according to the *Pole*, or rather the Noise; there never having been a fair and regular Pole, and casting up of their Voices, that I have heard of: Generally the Lowdest, the Forwardest, and the most Injudicious, have, without any manner of Election, pretended to Represent the rest: When, one would think, they might be satisfied if the *Laitty* would yield to their Request, That the *Bishops, Presbyters, and others, elected by the Clergy*; that is, a *Convocation* without a *Parliament*, may be the *Church of England Representative*. But as *Church-men* are jealous enough of their own Rights, it is not to be thought, that they will be concluded by the Books or Sermons of those whom they never chose to make offers in the Name of all.

This I am sure was their Apology in *King James* his Reign; and those of the *New Separation* were as forward as any to disclaim and renounce all Pretences of this kind. Their present *Champion* seems to make a difference between the *Church* and *Church-men*, mentioning the Doctrine of *Church-men*, and constant Practice of the *Church*; whereas in truth the *Abdication*, or
Abro-

Abrogation of one King, and Submission to another in his Life-time, has never been a Question before since the Reformation, and now it is become a Question the *Church of England* has declared for, and submitted to the King and Queen; who now fill the Throne after a *Vacancy*.

If we look backward, to see what the Church of *England*, or the *State* including the Church, has done or thought in former Ages, we shall find what is charged as a Departure from our Church, to be no new thing.

Certain it is, in Popish times they have set aside Princes of their own Religion, without consulting the *Oracle* at *Rome*, upon Cases clear by the Constitution: Nor, if there were any doubt, is it likely that they would have run the hazard of losing that Opportunity, which they had upon the first appearing unanimous for casting off a National Burden; the Resentment of which, a small delay might cool.

Can any Period be assigned in the dark Ages of *Popery*, when, if a Prince, who had clearer light, should, with a few to whom he communicated his Intentions, have endeavored

deavoured to impose his Way of Worship, upon a Nation, confirmed not only by constant Practice, but firm Laws, in a contrary Religion; or should have given manifest Indications, that he would use all his Authority to this end; the *Clergy* would have been less scrupulous than the *Doctors* of the *Sorbon* were, in declaring against *Henry* the Fourth of *France*, while he professed himself a *Protestant*? Nay, would not the Body of the Nation have declared, That a Prince of a Religion contrary to that of his Country, was incapable to govern?

If of themselves, or through the interposition of some *foreign Prince*, or *State*, they had secured the free Profession of their Religion, and the Benefit of the Laws which upheld it, would they, with blinder Protestants at this day, have desired the return of their Fears? Would they have wished for such Success to the *Waldenses*, or *Albigenses*, the only visible Powers then against them, as some, who would be thought *Protestants*, do to the *French*? Nay, when they swarmed with *Legends* of Miracles, which were thought almost as plentiful as the *Gods* of *Egypt*, springing up in the Gardens; would they have expected

pected Deliverance from their own Prayers and Wishes?

I know the common Refuge, Let Justice be done, and leave the Event to Providence: But ought we to tempt Providence to destroy us, by our promoting against the Interest of our Religion, that which we are not, cannot be assured to be the cause of Justice? Can it be Justice to sacrifice our Religion and Civil Rights, to the Humour, or Bigotry, or Revenge, of one who had manifested, That he would not govern as King of a Protestant Kingdom, or of a Kingdom where the Law, had placed Boundaries to the Will of the Prince?

What do we not owe to a *Deliverer* who has freed us at home from all true Causes of Fear, but from our selves? Who is the Support of the *Confederates*, and the Head and Life of their Armies, and, under God, has *put an Hook into the Nostrils of the* ^{The French} *great Leviathan, who so lately sported him-* ^{King.} *self in the Waters?* What a Blessing is it, that when the Cause of Christendom calls him to other Regions, his Throne is not left empty, but adorned with a *Queen*, to whom the true Religion, and her Native Country, are the *nearest Relations*; and who

who gains not more Hearts by the serene and awful Majesty of her Looks, than she defeats Enemies by a Courage more than Female, and only not Divine? Indeed, what less than a Divine Power can vanquish the Timidity and Irresolution in times of Danger, natural to the Tenderness of the fair Sex? And in what Age, or Nation, can we find her Parallel, but in *our admired Queen Elizabeth*, whom all Generations to come shall bless, for establishing the Protestant Religion at home, and supporting it abroad, at a time when the King of Spain was the Darling of the Pope and Jesuites, and by their Assistance stood as fair for an *Universal Monarchy*, as the French King did, before the interposition of *their present Majesties*.

It has been observed, that ever since the defeat of the *Spanish Armada*, by *Queen Elizabeth's* truly *Invincible Fleet*, that Monarchy has wither'd, like a Plant wounded at the root: And we have great grounds to hope, that the *French Royal Sun*, which by our late Naval Victory has been forced to set in the *British Seas*, never to rise again, is a true Emblem of that Monarchy.

And God seems to have designed it in his Providence, as a Presage of his farther
Gra-

Gracious Intentions, towards the Professors
of the True Religion; that That Family, out
of which the Papists culled the Noblest Sacri-
fice, yields a living *Heroe*, to Avenge the
Death of the Brave Lord *RUSSELL*;
and to Vindicate that Cause for which he
died.

F I N I S.

E

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